

REMARKS

In the Office Action dated May 19, 2003, Claims 1-3, 8-10 and 13-15 were rejected under 35 U.S.C. §103(a), as being unpatentable over Swenson et al. in view of Faisandier. In the detailed substantiation of that rejection (page 2, second paragraph of the Office Action) the Examiner included comments regarding Claims 4-9, 11 and 12. Those claims, however, were separately rejected under 35 U.S.C. §103(a) as being unpatentable over Swenson et al. in view of Faisandier, and further in view of Fine et al. (page 3 of the Office Action, first full paragraph). Applicants therefore assume that none of Claims 4-9, 11 or 12 are rejected solely on the basis of Swenson et al. and Faisandier. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Swenson et al. in view of Faisandier, further in view of Fine et al. and further in view of Fenklein et al.

By the present Amendment the subject matter of Claim 4 has been embodied in independent Claim 1, and Claim 4 accordingly has been cancelled. Similarly, a portion of the subject matter of Claim 11 has been embodied in Claim 10. Since there are other limitations in Claim 11, claim 11 has not been cancelled.

Therefore, the rejection of Claims 1-3, 8-10 and 13-15 as being unpatentable over Swenson et al., in view of Faisandier is moot. The rejection of Claims 4, 5, 6, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Swenson et al., in view of Faisandier and further in view Fine et al. is respectfully traversed, for the reasons set forth below, as is the rejection of Claim 7.

In amended Claims 1 and 10, the claim elements of an interface unit and a label layer placeable over the outer surface of the interface unit are set forth as separate claim elements. Under standard practice for interpreting a United States

patent claim, this means that these two claim elements cannot be interpreted as setting forth the same structure, or representing the same structural unit or element, otherwise one of those claim elements would be redundant. The label layer and the interface unit, therefore, cannot be interpreted as being one and the same structure. Moreover, each of independent Claims 1 and 10 explicitly states that the interface unit (which, as noted above, must be distinguished from the label layer) generates a signal unique to and *originating from* the interface unit. Since the label layer and the interface unit are set forth in Claims 1 and 10 as separate claim elements, and since the signal generator is explicitly stated to generate a signal unique to and originating from the interface unit, this means that, in the context of Claims 1 and 10, the signal generator does not generate a signal that originates from the label layer.

The reason for having the separate elements of a label layer and an interface unit is to provide added protection against making erroneous connections of the catheter sensor connectors and the connectors at the interface unit for a particular examination or study. As explained in the present specification, and as discussed in applicant's previous response, different studies or examinations require different configurations of the sensor/socket pairs. The most common source of error in setting up such examinations or studies is incorrect placement of a connector from a sensor in the wrong socket at the interface unit. Claims 1 and 10 as amended provide double protection against such mistakes. The signal generator in the interface unit generates a signal that is unique to and originates from the interface unit and the label layer that is placeable over the outer surface of the interface unit carries visible indications of the interconnections that form the configuration. Since the label layer is a separate claim element from the interface unit, and since the

signal generator generates an output signal that is unique to and originates from the interface unit, this output signal in the context of Claims 1 and 10, is independent of the visible indications on the label layer. Therefore, Claims 1 and 10 provide redundancy of not only providing visible indications on the label layer, but also an electronic output signal from the interface unit, also designating the intended configuration.

With regard to these limitations in original Claims 4 and 11, the Examiner relied on the Fine et al reference as teaching programmable labels which appear on an electronic display. The Examiner stated "It is understood the electronic label could be a placard, since it has been held to make labeling automatic or electronic is not novel." Applicant acknowledges that *merely* making a label available in electronic form is not novel, however, this acknowledgement is not dispositive or conclusive with regard to the issue of the non-obviousness of the overall combination of Claims 1 and 10. Since the Fine et al reference does create and display the labels electronically, and since this is done by programming, the labeling is inextricable from the actual configuration that is also produced by the programming. If a programming mistake is made that produces an incorrect configuration for the particular study in question, this will result in the Fine et al reference in an incorrect label being displayed as well. In other words, the electronic signal that designates the configuration in the Fine et al reference is also the signal that produces the label. There is no output signal in the Fine et al reference that is unique to and originates from an interface unit, in combination with a visible indication of the configuration on the separate element of a label layer. In the Fine et al reference, even if the electronically displayed labels could be interpreted as a "layer," (and the present

Applicants respectfully submit that would not be a normal understanding of the meaning of the word "layer"), everything that would be contained in such an "electronic layer" in the Fine et al reference is generated by the interface unit itself. The Fine et al reference, therefore, teaches away from having separate elements of a label layer and an interface unit with a signal generator that generates a signal unique to and originating from the interface unit, with a visible indication on the label layer also identifying the configuration in question.

Claim 1 sets forth only the interface unit, and Claim 10 sets forth the overall system. In the overall system, as set forth in the claims depending from Claim 10, a monitor is provided which has a display that is altered dependent at least on the signal that originates from the interface unit. When a technician desires to implement a particular examination or study, requiring a particular configuration of the connector/socket pairs at the interface unit, a presentation is displayed at the monitor that indicates the proper label layer and the proper interface unit to be used. An example of such a display is shown in Figure 5 of the present application. When the technician then selects the proper interface unit, the aforementioned signal that is unique to and originates from the interface unit is supplied, so that confirmation of the proper selection can be made. Moreover, because the label layer carries the aforementioned visual indication, this can be matched to the designation on the presentation at the monitor.

In a further embodiment (Claim 7 and Claim 12) the label layer also includes an electronically readable designation so that an electronic output signal that also uniquely identifies the label layer can be generated and transmitted. This provides triple safety against an incorrect combination, since there is now not only the visual

indication on the label layer, but also an electronic signal derived from the label layer and an electronic signal uniquely originating from the interface unit.

An arrangement providing double safety for proper selection of the configuration for a particular study or examination, much less a combination providing triple safety, would not result from a combination of Swenson et al, Faisandier and Fine et al.

Since the present Amendment merely brings subject matter that was contained in the dependent claims into the respective independent claims, it does not raise new issues requiring further searching or consideration. Entry of the present Amendment is therefore proper after the final rejection, and entry of the present Amendment is respectfully requested. Upon entry of this Amendment, all claims of the application are submitted to be in condition for allowance. Early reconsideration of the application is therefore respectfully requested.

Submitted by,

Steven H. Noll (Reg. 28,982)

STEVEN H. NOLL
SCHIFF, HARDIN & WAITE
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.